

Article - Real Property

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§8–328.

(a) If a tenant under a lease dies, or, if the tenant is a corporation and ceases to exist, distress may be brought against the tenant named in the lease regardless of death or nonexistence. The plaintiff shall give notice of an action of distress to the personal representative of a deceased defendant or to any person who was an officer at the time the corporation ceased to exist and the plaintiff shall certify to the court that the plaintiff has given notice. Then the plaintiff may proceed with levy and sale as provided in this subtitle.

(b) If a tenant dies and no personal representative is appointed by a court having jurisdiction, or if an officer of the nonexistent corporation cannot be found and, therefore, service of process is returned non est, then, on application of the plaintiff, an order may be passed requiring a copy of the petition for distress to be posted at the courthouse door at least one week before the date of sale. Failure of the plaintiff to apply for the order subjects the plaintiff to suit by the personal representative of the deceased tenant, or by the officer or surviving directors of the nonexistent corporation for any loss or damage sustained. If the plaintiff makes application for the order, the plaintiff is under no liability either to the estate of the deceased tenant, or to the surviving trustees or officers of the nonexistent corporation.

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